

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

ARIEL SANCHEZ-GARCIA
Reg. # 23245-047

PETITIONER

v.

No. 2:12-cv-25-DPM-JTR

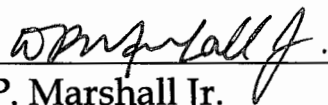
T.C. OUTLAW, Warden,
FCI-Forrest City

RESPONDENT

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's recommended disposition, *Document No. 9*, and Sanchez-Garcia's objection, *Document No. 10*. After *de novo* review, the Court adopts the recommendation as its opinion with an additional word. FED. R. CIV. P. 72(b)(3). Sanchez-Garcia requests only that the Court defer ruling until the Supreme Court decides in *Chaidez v. United States*, 655 F.3d 684 (7th Cir. 2011), *cert. granted*, 132 S. Ct. 2101 (2012), whether its ruling in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), applies retroactively. The Court declines to do so; *Padilla* came down five weeks *before* Sanchez-Garcia pleaded guilty, so the decision in *Chaidez* will not affect his case.

So Ordered.



D.P. Marshall Jr.
United States District Judge

18 October 2012